

REMARKS

With entry of the foregoing amendment, Claims 1-18, 20-37 and 39-44 are now pending in the application. In the previous Office Action the Examiner rejected all of the claims. No claims have yet been allowed. Claims 1, 5, 20, 21, 26, 30, 39, 40 and 44 have been amended. Claims 19 and 38 have been cancelled. Reconsideration is respectfully requested. No new matter is introduced by these amendments.

Claim Objections

The Examiner objected to claim 5 for lacking sufficient antecedent basis for the limitation "the user" in this claim. Claim 5 has been amended such that the term "a time period set by the user" is now replaced with "a configurable time period." These amendments have also been made to claims 30 and 44. Support for these amendments is found in the specification as originally filed on page 8, line 20 through page 9, line 3.

Claim Rejections-35 U.S.C. § 103

The Examiner rejected claims 1-4, 6-24, 26-29 and 31-43 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,718,551 to Swix, et al. in view of U.S. Patent 6,637,029 to Maissel et al. The Examiner also rejected claims 5, 25, 30 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Swix in view of Maissel in further view of U.S. Patent 6,614,987 to Ismail et al. With entry of the foregoing amendments, Applicants respectfully traverse this rejection.

Claims 1 and 26 have been amended to recite a particular aspect of the invention in which viewership profiles are used to determine the type of individual currently interacting with a network device. For example, where a household contains a number of individuals having different interests, the viewership profile of the network device represents the long-term viewership activity of all of the household individuals interacting with the network device (e.g., watching television programming). Thus, promotions targeted for all of those individual types may be sent to the network device.

The present invention uses the viewership profiles to determine the type of individual presently interacting with the network device by correlating short-term viewership activity data

with the long-term viewership activity data of the viewership profile. In this way, specific promotions can be distributed or activated at the network device for that individual based on the determined individual type. For example, different promotions can be activated for a cartoon-watching child in the morning as opposed to a sports-watching adult in the evening.

Claims 1 and 26 have been amended to recite this feature. Specifically, claims 1 and 26 now further recite (i) forwarding a viewership profile to a network device where the viewership profile includes long-term viewership activity data of the network device; (ii) collecting short-term viewership activity data of the network device; and (iii) correlating the collected short-term viewership activity data with the long-term viewership activity data of the viewership profile in order to establish a type of individual presently interacting with the network device. Claims 20 and 21 have been amended to depend on claim 1. Likewise, claims 39 and 40 have been amended to depend from claim 26. Support for these amendments can be found at least in Fig. 3B and in the surrounding discussion on page 10, lines 9-16 of the specification as originally filed.

In contrast, Swix discusses a set top box that uploads viewing selections of a subscriber to a server that, in turn, constructs a consumer profile of that subscriber. (See Swix, col. 4, ln. 14 through col. 5, ln. 21).

Maissel discusses an intelligent set top box that produces a program guide including customized program schedule information based on a viewer preference profile. (See Maissel, Abstract and col. 11, lns. 7-23 and col. 12, lns. 15-34)

Ismail discusses a system that determine viewing preference of a user by monitoring programs viewed by a user and causes recording of programs corresponding to the user preference. (See Ismail, col. 1, ln. 54 through col. 2, ln. 56)

Neither Swix, Maissel, nor Ismail teach or suggest using a viewership profile to determine a type of individual presently interacting with the network device by correlating the short-term viewership activity data collected at the network device with the viewership profile of the device as now recited in claims 1 and 26.

For at least these reasons, claims 1 and 26 are believed to be novel and non-obvious in light of the prior art of record.

Furthermore, by virtue of at least their dependency on claims 1 and 26, claims 2-18, 20-25, 27-37 and 39-44 are also believed to be patentable.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Michael J. Badzinski
Michael J. Badzinski
Registration No. 51,425
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 1/13/05